reciprocity by amending section 39. Therefore, the Civil Procedure Code has to be amended.

Mr. P. V. Raphael *(Joint Secretary to Government):* I beg to second it.

Motion put and carried

Secretary to the Council : The Title of the Bill is "The Cochin Code of Civil Procedure (Amendment) Bill ".

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that the Hon'ble President may be pleased to suspend Standing Order 32 and the *Bill allowed to be taken into consideration.

Mr. P. V. Raphael *(Joint Secretary to Government)* I second it.

Deputy President : The S. O. is suspended.

Clause 1 put and carried

Clause 2 put and carried

The Title and preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Bill be finally taken up and passed tomorrow.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Motion put and carried

2. The Cochin Motor Vehicles Bill

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I rise to move that the Cochin Motor Vehicles Bill be read in Council.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Motion put and carried

Mr. K. Achyuta Menon *(Secretary to Government):* The earliest Motor Act in this State was of the year 1089. That was found inadequate in a very short space of time and we had the existing Act which is of 1094. That was modelled on the lines of the British Act of 1914. So that the existing legislation on the matter is 22 years old in Cochin. The Indian Motor Vehicles Act of 1914 upon which our existing Act is based has been revised in British India and a very comprehensive piece of legislation, the Act of 1939, has been passed there. That has come into force from 1st July 1939 in British India. A grace period of 9 months more has been granted for the working of the Act. That will take us to March 1940. So that the Act is law there now. The Government of India

* Please see Appendix IV

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have pointed out that to avoid difficulties in regard to reciprocity in the matter of exemptions and licenses, the State may undertake similar legislation. This is one of the Bills where an elaborate committee sat, and the select committee was able to record a unanimous report on almost all the provisions. This is a well considered Bill and the opinion of the several bodies were also taken upon it.

Mr. C. R. Iyyunni *(Trichur-South):* Any dissenting minute?

Mr. K. Achyuta Menon *(Secretary to Government):* On very very slight matters. We follow section by section the existing Act there. Twenty-two years, as hon'ble members will note is a time in which great changes have taken place in the transport system of India. The Motor Vehicles Act of 1914 upon which our existing Act is based was framed to suit the conditions at a very early stage of development of motor vehicles both in this State and British India. It was recognised that it was no longer possible to deal with the altered conditions brought about by the rapid growth of motor transport. That is why they thought that a comprehensive piece of legislation was necessary. If you would care to look into our Act, you will see that it is a very modest Act of only 19 sections and a very casual glance at this will convince that it is utterly inadequate to suit the modern conditions of our State where transport has increased to a very great extent. This is a very comprehensive piece of legislation. Chapter I contains all the definitions—36 definitions in all—as to kinds of vehicles, transport vehicles, public places, and things of that sort. Chapter II deals with licenses –the necessity for licenses, etc.

Mr. A. V. Moothedan *(Chalakkudi):* It is a dangerous section.

Mr. K. Achyuta Menon *(Secretary to Government):* That is a reasonable section, and if reasonableness is considered to be dangerous, it is dangerous. Then there is another section which says that licenses are non-transferable. Then some licensing authorities are appointed; so also the testing authorities; then the form of licenses, currency of licenses, renewal of licenses, revocation of licenses, etc., the effect of disqualification and endorsement on licenses. Chapter III deals with the registration of vehicles, suspension of registration, cancellation and registration authorities, etc. Chapter IV deals with control of transport vehicles. Chapter V deals with construction and equipment of vehicles, as to what kind of vehicles may be permitted to run. Chapter VI deals with the control of traffic, parking places, traffic signs, signals and signalling devises, etc. Chapter VII deals with insurance of motor vehicles

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against third party risk. It is a new chapter and it is proposed to bring it into force only after the expiry of 4 years.

I would suggest that the best way of understanding this Bill is not by looking at the sections but the schedules will give an absolutely clear idea of the working of the sections. The First Schedule, Form A; is the form of application for license; Form B, form of application for renewal of driving license; Form C, form of medical certificate in respect of an application for license; then registration of vehicles and so on.

Mr. C. R. Iyyuni *(Trichur-South):* May I know whether there is any insurance company registered in Madras controlled by Government?

Mr. K. Achyuta Menon *(Secretary to Government):* I am not aware of that. Probably companies might come. Even now, I think there are companies which will take up third party risk insurance. I submit that the formality of a Select Committee may be suspended.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഈ Transport Authority എന്നുപറയുന്നത ആരാണ്?

Mr. K. Achyuta Menon *(Secretary to Government):* There will be an authority for registration purposes.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഈ ആക്ടനുസരിച്ചുള്ള റൂംസൊക്കെ ഗവമ്മെണ്ടു തന്നെ ഫ്രെയിം ചെയ്യുമോ, അതൊ നിയമസഭയുടെ അനുമതിയോടുകൂടിയാണോ?

Mr. K. Achyuta Menon *(Secretary to Government):* In every piece of legislation, the Government have to frame rules. The rules will be substantially the same as in British India.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : അടുത്തകാലത്തു ഇവിടെ നടന്നവരുന്ന പ്രവർത്തനങ്ങൾ സംബന്ധിച്ചാണൊ ഈ ആക്ട് കൊണ്ടുവന്നിരിക്കുന്നതു?

Mr. K. Achyuta Menon *(Secretary to Government):* Mostly it is a modification of the existing practice. But the necessities of an expanded or developed transport require that this should be laid down.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Motor Vehicles Bill".

Mr. K. Achyuta Menon *(Secretary to Government):* I rise to move that Standing Order 32 may be suspended so that the Bill may be immediately taken into consideration. The Bill has become law in British India. The Bill has been subjected to the most severe

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tests by the Select Committee and the Bill as it emerged from there is their considered opinion. I will read just one passage from the report of the Select Committee. Two of them say "We dare say that we would rather be surprised to find that the Select Committee on this voluminous Motor Vehicles Bill has come to so many agreed decisions."

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : ഇവിടത്തെ ട്രാഫിക്കിനെ സംബന്ധിച്ചുള്ള ബുദ്ധിമുട്ടുകൾ ഏതാണ്ട് മിസ്റ്റർ കോമാട്ടിൽ അച്യുതമേനോനെ അറിയാം. ഇതൊക്കെ നിയമത്തിനുള്ളിലുള്ളതോ ഇല്ലാത്തതോ എന്നും അദ്ദേഹത്തിന്നറിയാം. അടുത്ത കാലത്തു കൊച്ചിയിൽ മോട്ടോർ വെഹിക്കിൾസിന്റെ പ്രവർത്തനം സംബന്ധിച്ചു മോട്ടോർ വാഹന ഉടമസ്ഥന്മാർക്കും വിശിഷ്യ പൊതുജനങ്ങൾക്കും പല വിധത്തിലുള്ള കഴപ്പുങ്ങളും അസൌകര്യങ്ങളും ഉണ്ടായിട്ടുണ്ട്. അവയെ പരിഹരിക്കുന്നതിനുള്ളതൊ അതൊ കൂട്ടുന്നതിനുള്ളതൊ എന്താണെന്നുള്ളതിനെ കുറിച്ചു അനേഷിക്കാൻ കൂടി സമയം തരാതെ ഇങ്ങിനെ ഒരു ആക്ട് കൊണ്ടുവന്നു പാസ്സാക്കുവാൻ ധൃതി കാണിക്കുന്നതു ശരി ആണെന്നു തോന്നുന്നില്ല.

Mr. K. Achyuta Menon *(Secretary to Government):* You may take my word for it. This is the British Act which goes by the name of the Cochin Motor Vehicles Act. We have made a few changes, wherever there is "British India" you will find "Cochin" inserted. This is a British Indian Act *mutatis mutandis.*

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : മോട്ടോർ ഉടമസ്ഥന്മാക്കു ഗവർമ്മെന്റിൽ നിന്നു പല ബുദ്ധിമുട്ടുകളുമുണ്ടാകുന്നുണ്ടു്. അതിനെന്തെങ്കിലും നിവാരണമാർഗ്ഗമുണ്ടാകണം. ഒരു ഓവർലോഡുണ്ടായാൽ ഡ്രൈവരുടേയും കണ്ടക്ടരുടേയും ബാഡ്ജും ലൈസൻസ്സും മേടിച്ചുകൊണ്ടു പോകുന്നതിനു പുറമെ കോടതിയിൽ കേസ്സും ചാർജ്ജ് ചെയ്യും. ബസ്സ് സസ്പെണ്ട് ചെയ്യും. ഇങ്ങിനെ ഒരു കുറ്റത്തിന്നു തന്നെ പല ശിക്ഷകളും അവർ അനുഭവിക്കേണ്ടി വരുന്നുണ്ടു്. പിന്നെ ഒരു സ്പെഷൽപെർമിറ്റു കിട്ടണമെങ്കിൽ തന്നെ പല ബുദ്ധിമുട്ടുകളുണ്ടു്. രണ്ടോമൂന്നു മുമ്പിൽ കൂട്ടി അപേക്ഷിച്ചാൽ കൂടി ആവശ്യസമയത്തു സ്പെഷൽപെർമിറ്റു കിട്ടാതെയും താമസിയും ജനങ്ങളെ വളരെ ബുദ്ധിമുട്ടിക്കുന്നുണ്ടു്.

Deputy President: S. O. No. 32 is suspended.

Mr. K. Achyuta Menon *(Secretary to Government):* I move that the Bill be taken into consideration.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* May I know when our Government got the communication from the Government of India?

Mr. K. Achyuta Menon *(Secretary to Government):* On the 13th of January 1939.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* You represented sometime before that due to the fact that the Imperial Government is not prepared to give reciprocity or even exemption to the vehicles registered in Cochin State this should be passed into law as soon as possible.

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Mr. K. Achyuta Menon *(Secretary to Government):* I never said so. What I said was that the Government of India has informed us that there may be difficulties in the matter of reciprocity.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* In view of that difficulty, this Bill ought to have been brought before this Council earlier.

Mr. K. Achyuta Menon *(Secretary to Government):* This is not an objection either to the Bill or to the motion I moved. If the House wants a Select Committee, have it by all means.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* My purpose here is not to demand a Select Committee. My point is that this measure ought to have been brought earlier.

Mr. K. Achyuta Menon *(Secretary to Government):* That is totally irrelevant.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* As a compromise may I suggest this? A Select Committee may be appointed today and the Bill may come up on Wednesday, so that they may have the satisfaction of going through it in detail.

Mr. K. Achyuta Menon *(Secretary to Government):* What can you expect to be done in a day?

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: എന്താണ് ഗവൺമെന്റിന് ഇതിൽ ഇത്ര ബുദ്ധിമുട്ട്?

Mr. K. Achyuta Menon *(Secretary to Government):* I said I have no objection.

Mr. T. V. Subramania Ayyar *(Nemmara):* The Bill has been ably supported by a document or affidavit. Even if it is not supported by a document, a Select Committee for this Bill is not necessary.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* In the light of these discussions, I move that this Bill may be taken up tomorrow, so that members may go through it.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* There are certain fees prescribed in the Act itself. It is necessary that they should be reduced to some extent. As far as I know, the fees prescribed in British India have been adopted. There is a view that the fees are exhorbitant at present.

Deputy President: The consideration of the Bill is postponed to tomorrow.

Consideration of the Bill postponed to next day

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